

IN THE U.S. DISTRICT COURT OF MARYLAND
FOR DISTRICT OF MARYLAND

Kristopher Prusin

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Plaintiff

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v.

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Case No. JKB 16-605

Canton's Pearls, LLC
(t/a "Canton Dockside"), et al.

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Defendants

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PLAINTIFF'S MOTION TO MODIFY/AMEND DISCOVERY ORDER

Plaintiff, Mr. Kristopher Prusin, by and through undersigned counsel, and pursuant to Fed.R.Civ.P. 59(e) and/or 60(a),¹ requests that the Court modify/amend its most recent Scheduling Order (ECF Doc. 44) for the following reasons:

1. The Scheduling Order fails to set forth a deadline for Plaintiff's Rebuttal Expert Report or supplementation of expert's reports under Fed.R.Civ.P. 26(e)(2).
2. While a deadline three weeks in advance of the close of discovery might ordinarily be sufficient, Plaintiff's expert is a practicing Certified Public Accountant (CPA), with a busy tax practice. Plaintiff has been advised by his expert that performing any work before April 15, 2017 is nearly impossible due to the press of client tax return filings.
3. Plaintiff therefore requests that the Court allow Plaintiff until May 1, 2017 to file its rebuttal report. Plaintiff proposes that supplementation of the expert reports be due on May 19, 2017, and that discovery close on May 31, 2017.

¹ Fed.R.Civ.P. 60(a) allows for relief from a judgment or order for the correction of an oversight or omission.

4. Additionally, the Scheduling Order appears to have an oversight contained within it. During the hearing, the Court granted the Plaintiff's request that Defendant produce its Quickbooks accounting ledger. The Court further instructed undersigned counsel to advise Christopher Staiti, Esq. of the technical term for the report(s) requested.² Counsel has now followed up, per the Court's instruction, and so advised Mr. Staiti that Plaintiff requests the "regular back up copy" (not the accountant version) of Canton Dockside's Quickbooks account, in electronic format.
5. However, the order to produce the Quickbooks data, while part of the Court's Order from the bench, is not reflected in the Court's written Order (ECF Doc. 44).

WHEREFORE, Plaintiff requests that that the Court modify/amend its Order (ECF Doc. 44) consistent with the issues and proposed scheduling deadline herein, and further order the production of the Quickbooks data to be produced in electronic format by February 21, 2017.

Respectfully submitted,

/s/
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Attorney for Plaintiff

² This should all be reflected in the official transcript of the proceedings, which Plaintiff will order if directed by the Court.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2017, a copy of the foregoing Motion to Modify/Amend, along with all Exhibits and other attachments, was filed via the Electronic Case Filing System (ECF) maintained by the U.S. District Court for the District of Maryland, and is available for viewing and downloading from the ECF system.

_____/s/
Howard B. Hoffman